

84-92-A PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1B02.3C.1

To permit lot width of 50' in lieu of the required 55'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

We wish to build a home for ourselves and our children. The home we are now living in will go to my parents who are now retired and have a very limited income, otherwise they would have any place to go.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

(Type or Print Name)

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Attorney's Telephone No.:

(Type or Print Name)

Signature

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City and State

Attorney's Telephone No.:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Leo E. Montano

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

(Type or Print Name)

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Attorney's Telephone No.:

(Type or Print Name)

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City and State

Attorney's Telephone No.:

(Type or Print Name)

Signature

Address

City and State

RE: PETITION FOR VARIANCE
SW/S Delaware Ave., 1,129.34'
SE of Annapolis Rd., 13th District
LEO E. MONTANO, et ux,
Petitioners

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-92-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

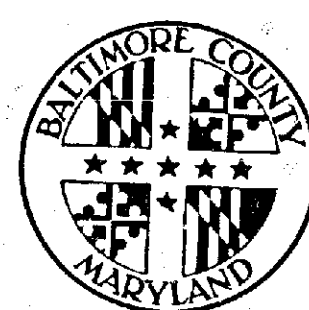
I HEREBY CERTIFY that on this 23rd day of September, 1983, a copy of the foregoing Order was mailed to Mr. and Mrs. Leo E. Montano, 2929 Delaware Avenue, Baltimore, MD 21227, Petitioners.

John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 1, 1983

COUNTY OFFICE BUILDING
111 N. Calverton Ave.
Towson, Maryland 21204

Mr. & Mrs. Leo F. Montano
2929 Delaware Avenue
Baltimore, Maryland 21227

Chairman
Nicholas B. Comodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Protect Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

RE: Case No. 84-92-A (Item No. 33)
Petitioner - Leo E. Montano, et ux
Variance Petition

Dear Mr. & Mrs. Montano:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Comodari
NICHOLAS B. COMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

Aug 24, 1983

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 33, Zoning Advisory Committee Meeting of Aug 2, 1983

Property Owner: Leo E. + Elaine E. Montano

Location: SW/S Delaware Ave. District 13

Water Supply: Public Sewage Disposal: Public

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 474-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 33
Page 2

- () Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- () Soil percolation tests have been conducted.
{ } The results are valid until _____
{ } Revised plans must be submitted prior to approval of the percolation tests.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until _____
{ } is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- () All roads and parking areas should be surfaced with a dustless, bonding material.
- () No health hazards are anticipated.
- (X) Others: This property lies within the Patapsco riverbed. Prior to approval of a Building Permit, a Hydrogeological Study, All Environmental Effects Report, and a Reserve Capacity the Certificate may be required.

Jan J. Forrest
Jan J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1082 (2)
NVC



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

September 2, 1983

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #33 (1983-1984)
Property Owner: Leo E. & Elaine E. Montano
SW/S Delaware Ave. 1129.34' S/E from
Annapolis Rd.
Acre: 50/40.20 X 158.70/163.25
District: 13th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Delaware Avenue, an existing public road, is proposed to be further improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

The southerly portion of this property is subject to flooding by the Patapsco River.

The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential and commercial development.

Item #33 (1983-1984)
Property Owner: Leo E. & Elaine E. Montano
Page 2
September 2, 1983

Water and Sanitary Sewer:

There is an 8-inch public water main and 8-inch public sanitary sewerage in Delaware Avenue.

In addition, the Baltimore County 18-inch Friendship Gardens Outfall Sanitary Sewer traverses this property within a utility easement (Drawing #54-0270, File 1).

The Petitioner is cautioned that no construction of any structure, including footings is permitted within Baltimore County rights-of-way and utility easements.

Very truly yours,

Robert A. Martin
ROBERT A. MARTIN, P.E., Chief
Bureau of Public Services

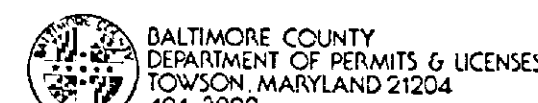
RAM:EMV:RVS

C-NE Key Sheet
25 SW 5 Pos. Sheet
SW 7 B Topo
109 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested would not adversely affect the health, safety, and general welfare of the community, the variance(s) should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14th day of October, 1983, that the herein Petition for Variance(s) to permit lot widths of 50 feet in lieu of the required 55 feet for the expressed purpose of constructing a dwelling, is GRANTED, from and after the date of this Order.

Jan M. H. Jung
Deputy Zoning Commissioner of
Baltimore County



August 24, 1983
Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond
Comments on Item # 33 Zoning Advisory Committee Meeting
are as follows:

Property Owners: Leo E. & Elaine E. Montano
Location: SW/S Delaware Avenue 1129.34' S/S from Annapolis Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot width of 50' for lots #91 & 92 in lieu of the required 55'.
Acres: 50/10.20 X 158.70/163.25
District: 13th

The items checked below are applicable:

- X.A. All structures shall conform to the Baltimore County Building Code 1981/ Council Bill 1-82, Section 2-2, and the Department's Code, and other applicable Codes.
- X.B. A building and other miscellaneous permits shall be required before beginning construction.
- X.C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0" of lot lines. A firewall is required if construction is on the lot line, see Table 101, Line 2, Section 1107 and Table 1102.
- F. Requested variance conflicts with the Baltimore County Building Code, Section 4.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.
- X.I. Comments: The center property line between lots 91 and 92 shall be removed to satisfy building code requirements, unless there is to be a 2 hour party wall constructed on the lot line.

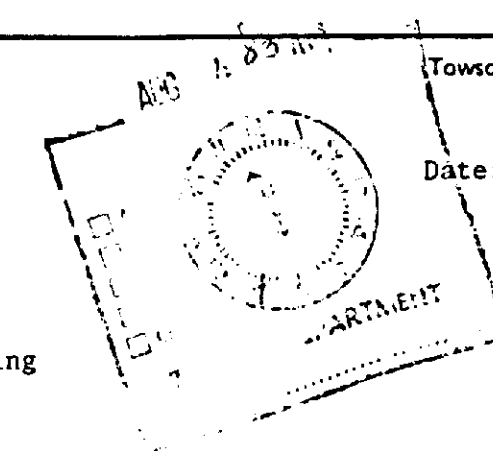
NOTE: These comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204.

Very truly yours,
Charles S. Burnham
Charles S. Burnham, Chief
Plans Review

CSB:rrj
PDR 01-82

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent
Towson, Maryland - 21204



Date: August 1, 1983

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: August 2, 1983

RE: Item No: 26, 27, 28, 29, 30, 31, 32, 33
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

The above item numbers have no hearing on student population. As far as Item 34 is concerned, we wish to draw your attention to the fact that this property is in close proximity to the Franklin Senior High School and could be an inducement to the students.

Very truly yours,
William E. Hammond
William E. Hammond, Assistant
Department of Planning

WNP/bp



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

September 1, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 26, 27, 28, 29, 31, 32, 33, 34. ZAC - Meeting of August 2, 1983
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for item numbers 26, 27, 28, 29, 31, 32, 33, and 34.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc. II

MSF/cem

ZONING DESCRIPTION

Beginning on the SW/S of Delaware Ave. 1129.34 Ft. S.E. from Annapolis Road. Being known as lots #91-94, recorded on the plat of Baltimore Highlands Plat Book #3 Folio 50. Also known as 3001 and 3003 Delaware Ave.

PETITION FOR VARIANCE

13th Election District

ZONING: Petition for Variance
LOCATION: Southwest side Delaware Avenue, 1,129.34 ft. Southeast of Annapolis Road
DATE & TIME: Tuesday, October 11, 1983 at 9:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit lot widths of 50 ft. in lieu of the required 55 ft.

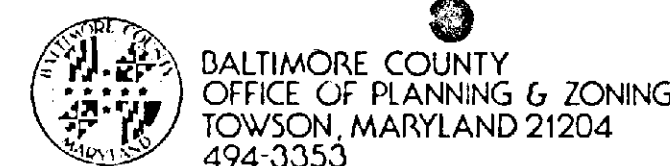
The Zoning Regulations to be excepted as follows:
Section 1B02.3C.1 - minimum lot widths in a D.R. 5.5 zone

All that parcel of land in the Thirteenth District of Baltimore County

Being the property of Leo E. Montano, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



ARNOLD JABLON
ZONING COMMISSIONER

October 3, 1983

Mr. & Mrs. Leo E. Montano
2929 Delaware Avenue
Baltimore, Maryland 21227

Re: Petition for Variance
SW/S Delaware Ave., 1,129.34' SE
of Annapolis Rd.
Case No. 84-92-A

Dear Mr. & Mrs. Montano:

This is to advise you that \$46.40 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 10/11/83 ACCOUNT R-01-615-000

AMOUNT \$46.40

RECEIVED FROM Leo E. Montano

FOR Advertising & Posting Case #84-92-A

C 007*****6010 #132A

VALIDATION OR SIGNATURE OF CASHIER



September 19 83

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR VARIANCE

was inserted in the following:

Catonsville Times
Arbutus Times
weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 24 day of September 19 83, that is to say,
the same was inserted in the issues of

September 22, 1983

PATUXENT PUBLISHING CORP.
By *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

vs.

Defendant

CERTIFICATE OF PUBLICATION OF

